



QUILEUTE TRIBAL COUNCIL



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2013
Year

6951

OTC
Program

ACTION OF THE QUILEUTE TRIBAL COUNCIL FROM: SECRETARY, QUILEUTE TRIBAL COUNCIL

Date of Meeting: 1/17/13

B
Ex. Director Initials

Motion to approve Quileute Tribe
Tribal Government Policies, Tribal Code of Ethics

Moved By: Vice-Chairman _____ Treasurer _____ Secretary Member _____

Second By: Vice-Chairman _____ Treasurer Secretary _____ Member _____

Chairman: _____

Vote: FOR 4

AGAINST 0

ABSTAIN 0

[Signature]
Secretary

QUILEUTE TRIBE

TRIBAL GOVERNMENT POLICIES

Tribal Code of Ethics

QUILEUTE TRIBE

TRIBAL GOVERNMENT POLICIES

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SECTION 1: PURPOSE

To set forth the specific ethical standards governing the conduct of all members of the Tribal Council, committee members, employees and officials who work for the Quileute Tribe and its subordinate organizations.

SECTION 2: BACKGROUND AND INTENT

The Tribal Council of the Quileute Tribe has determined that it is in the best interest of the Tribe that clear direction be given to all persons who serve in any official capacity of the Tribe. This policy is intended to outline the standard of conduct that is expected of persons who serve the Tribe. The conduct that is expected of persons serving the Tribe will reflect the Tribal Council's intent of protecting the interests of the members of the Tribe, promoting the members' trust of the Tribal government and protecting the reputation and integrity of the Tribal government.

SECTION 3: DEFINITIONS

- (a) Tribe is defined as the Quileute Indian Tribe.
- (b) Tribal Council is defined as the duly elected governing body of the Quileute Tribe.
- (c) Tribal Council Person is defined as any member currently serving on the Quileute Tribal Council.
- (d) Tribal employee is defined as a person who is working for the Tribe or one of its subordinate organizations.
- (e) Conflict of interest is defined as where a person with a duty to the Tribe because of their role as an elected official, appointee or employee has a personal or financial interest that is separate from or adverse to the Tribe.
- (f) Nepotism is defined as offering favor or preference to members of immediate or extended family.
- (g) Immediate Family Member is defined as mother, father, spouse, son, daughter, brother or sister, significant other.
- (h) Extended Family is defined as grandparents, aunts, uncles, cousins to the 2nd degree.

SECTION 4: GENERAL STATEMENT OF POLICY

- (a) It is prohibited for persons acting in an official capacity or on behalf of the Quileute Tribe to engage in conduct which creates the potential for a Conflict of Interests or involves and actual or apparent impropriety, as those terms are defined.

SECTION 5: CONFLICT OF INTEREST

- (a) A conflict of interest, for the purposes of this policy means action or conduct by a Tribal Council member, Tribal employee, or others serving the Tribe where. The person taking the action, or any immediate family member, in question has or may foreseeably develop a personal or financial interest that is separate or adverse to the Tribe. Specific acts that are deemed definite conflicts of interests under this policy include but are not limited to the following:
- (1) Council members shall not vote or otherwise make substantive decisions on matters in which the member, the member's immediate family, outside business associate, or person with whom the member is negotiating for purchase of goods or services or for Employment, has or may foreseeably develop a financial interest. The Council member may participate in the discussion of such matters, so long as that member first makes a full disclosure on the record to the Council stating his or her interest in the matter.
 - (2) Council members shall not, unless authorized by the Tribal Council, represent the Quileute Tribe or bring action as a Quileute Tribal member before any court, federal or state government in any proceeding in a matter in which the Tribe is a party or has an interest. Except that, where any Council member reasonably believes that the Tribe has been the victim of a crime, nothing in this policy shall be construed to prevent such Council member from reporting the Crime and acting as a complaining witness.
 - (3) Council members, Tribal employees, and other officers of the Tribe shall not employ any blood relative or relative by marriage or significant other, on any basis other than merit or on the basis of the Quileute Tribe's hiring preference policy. In no event shall a Council member, Tribal Employee or other officer of the tribe be the direct supervisor of an immediate family member or have decision making authority regarding rate of pay, hours worked, or duties performed.

- (4) Council members, Tribal employees, and other officers of the Tribe shall not take employment that is not compatible with their duties and responsibilities to the Tribe as a Council person, staff member, or officer of the Tribe.
- (5) Council members, Tribal employees, and officers of the Tribe shall not engage in any personal investments that they become aware of as a result of their position in the Tribe unless they first disclose the opportunity to the Tribal Council and the Council votes not to take advantage of the opportunity.
- (6) Tribal Council, Tribal employees, and officers shall not engage in contracting for services or procurement of goods in which they have a personal or financial interest, or immediate family has a personal or financial interest.
- (7) A person who serves as a Quileute Tribal employee or official and is Tribe employee or official and is elected to serve as a Tribal Council member; such persons serving as both a Quileute Tribe employee or official and a Tribal Council member shall not vote on issues that involve a financial interest to the individual. This includes but is not limited to pay raises, additional days off with pay, or any other fringe benefits that a person may acquire as an employees

SECTION 6: ACTUAL OR APPARENT IMPROPRIETIES

- (a) The Tribe's **reputation** and **integrity** are of utmost importance and therefore the Tribe will not tolerate acts of actual or apparent improprieties.
- (b) Acts involving an actual impropriety are those actions by a Tribal Council member, Tribal employee, or official that involve illegal conduct, acts involving an abuse of power, acts involving dishonest conduct or acts that would do a disservice to the Tribe's reputation.
- (c) It is also of the utmost importance that any transactions in which the Tribe is involved have no actual or appearance of impropriety. Therefore, any acts that have even the possibility of an appearance of conflict should be disclosed and dealt with before the transaction goes forward. The acts prohibited under this policy that constitute acts involving actual Or apparent improprieties include but are not limited to the following:
 - (1) Serving as an official or employee of the Tribe while intoxicated or under the influence of illejgal drugs.

- (2) Misappropriation or misuse of Tribal funds.
- (3) Concealing, removing, mutilating, or destroying Tribal records, or copying Tribal records for improper purposes.
- (4) Committing perjury or fraud.
- (5) Involvement in actions or activities that bring discredit or disrespect to the Tribe.
- (6) Knowingly engaging in illegal activity while a Council member, Tribal official, or employee.
- (7) Representing oneself as acting on behalf of the Tribe without the authorization to do so. The Tribal Council's policy is to officially designate certain persons to represent the Tribe on particular issues depending on the expertise of the individual and/or to issue press releases that state the overall position of the Tribe on particular issues.
- (8) Soliciting or accepting, directly or indirectly, gifts, gratuities, favors, entertainment, loans, kickbacks or any other thing of value from any person, group or private organization who is either seeking to obtain contractual or other business with the Tribe or has interests that may be substantially affected by the performance or non-performance of the Council member's duty, with the following exceptions:
 - (A) Ceremonial and customary gifts generally granted to dignitaries;
 - (B) Food and refreshments of a nominal value in the ordinary course of a luncheon or dinner meeting;
 - (C) Personal achievement awards for meritorious service;
 - (D) Unsolicited advertising or promotional material of nominal values;
 - (E) Loans on customary terms to finance proper and usual activities on the same basis as any other enrolled member of the Tribe;

- (F) Items of value above \$50 which have been disclosed and approved by Tribal Council for Tribal Council and the Executive Director or by the Chief Executive Officer for Tribal employees.
- (9) Using one's position in tribal government to coerce, threaten or intimidate a person or group to provide financial benefit or other personal gain for self, family, business associate or for any other purpose.
- (10) Using one's official title in Tribal government to conduct personal business.
- (11) Knowingly making public any subject matter of a confidential nature received in connection with one's duties as an official or employee of the Tribe, including but not limited to:
 - (A) Matters discussed during Tribal Council executive session;
 - (B) Matters protected as confidential under federal, state, or Tribal law;
 - (C) Information given to a tribal official or employee with the reasonable expectation that such information would be kept confidential;
- (12) Engaging in improper conduct or gross neglect of duty including violation of existing management, fiscal or personnel policies.

SECTION 7: SANCTIONS REGARDING TRIBAL PERSONNEL

Any Tribal employee, except for the Executive Director, who violates the prohibitions set out under this policy shall be subject to disciplinary action by the Executive Director, which may include immediate termination of employment if circumstances warrant. If the Executive Director violates the prohibitions set out under this policy, he or she shall be subject to disciplinary action by the Tribal Council] which may include immediate termination of employment if circumstances warrant. Employees disciplined according to this section shall have recourse to the grievance procedures set out in the Tribe's Personnel Policies and Procedures.

SECTION 8: SANCTIONS REGARDING TRIBAL COUNCIL MEMBERS

Any Tribal Council member who violates the prohibitions set out under this policy shall be subject to being removed as a Tribal Council member by the majority vote of his or

her fellow Tribal Council members excluding members that are immediate family members, or a Tribal Council member shall be subject to removal by a petition in accordance with the Quileute Constitution.

SECTION 9: USE OF FUNDS AND EQUIPMENT

Tribal officials and personnel entrusted with Tribal funds or equipment for carrying out Tribal business shall be subject to the following requirements and procedures to ensure that there is a uniform system and to avoid actual or apparent impropriety.

(a) Funds:

Tribal officials and personnel shall be held personally accountable and liable for Tribal funds entrusted to their control in connection with their official Tribal duties.

(1) Tribal funds withdrawn for specifically authorized purposes by Tribal officials or personnel shall be used for those specific purposes only. ;

(A) Tribal funds may only be withdrawn in conformance with written fiscal policies and in no event shall cash be dispersed or withdrawn from any Tribal bank account.

(2) In all cases, Tribal funds not expended for authorized purposes (i.e. travel money) must be repaid by the responsible Tribal official or employee within three working days after the date in which such funds were to have been expended or within three days after travel has been closed on the bookd.

(b) Equipment:

Tribal officials and employees shall be held personally accountable and liable for all equipment entrusted to their personal use in connection with conducting Tribal business.

(1) Tribal officials and employees shall not use or authorize the use of tribally-owned or leased motor vehicles and other transportation equipment for other than officially authorized tribal purposes.

(2) Tribal officials and employees shall not use or authorize the use of all other tribal-owned or leased equipment for other than officially authorized tribal purposes. |

- (3) The sovereign immunity of individual Tribal Council members, Tribal officials, and employees alleged to have violated this section is waived to the extent that the Quileute Indian Tribe can pursue action to recoup any losses it may have incurred as a result of the actions of the individual. This provision in no way waives the sovereign immunity of the Quileute Indian Tribe.

This policy is not intended to be exhaustive as to the conduct that should govern Tribal Officials, tribal employees and Council members of the Quileute Tribe. It is a statement of intent and expectation that all officials and employees of the Tribe act in ways that uphold the integrity and reputation of our Tribe.